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January 25, 2012

**BY ECF**

The Honorable John Gleeson  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Kaziu,  
09 Cr. 660 (JG)

Dear Judge Gleeson:

This letter is in regard to the sentencing of Betim Kaziu, and relates to the recommendation that is part of the Addendum to the Pre-Sentence Report (“PSR”). The Addendum provided to me did not include the recommendation. Upon inquiring, I was informed by the United States Department of Probation that the recommendation is not provided to counsel unless expressly ordered by the Court. However, that is contrary to Rule 32(e)(3), Fed.R.Crim.P., which provides that

Thus, pursuant to Rule 32(e)(3), the default position with respect to the recommendation is *disclosure*, rather than *non-disclosure*. Yet here the process has been reversed, with an order by the Court required to release the recommendation. Regardless of that practice, and cognizant of the language of Rule 32(e)(3), it is respectfully requested that the Court direct that the recommendation be provided to the parties in this case. The recommendation is particularly important in this case with respect to fashioning appropriate sentencing arguments, as the PSR calculates the Guidelines range at life imprisonment, and the statutory range is as vast as possible: from probation to life imprisonment.

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Accordingly, it is respectfully requested that the Court direct that the recommendation be provided to the parties.

Respectfully submitted,



Joshua L. Dratel

JLD/

cc: Shrieve Ariail  
Assistant United States Attorney  
(Via Electronic Mail)

Michelle Espinoza  
United States Probation Officer  
(By Electronic Mail)